IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NORTH CAROLINA EASTERN DIVISION

No. 4:12-CR-58-3H No. 4:16-CV-90-H

MARQUAIL EARL MOURING,	,)	
Petitioner,)	
)	
v.)	ORDER
)	
)	
UNITED STATES OF AMERI	ICA,)	
Respondent.)	

This matter is before the court on petitioner's motion to vacate pursuant to 28 U.S.C. § 2255, [DE #105]. This matter was stayed pending the Fourth Circuit's resolution of <u>United States v. Walker</u>, 2019 WL 3756052, __ F.3d __ (4th Cir. 2019), and <u>United States v. Simms</u>, 914 F.3d 229 (4th Cir. 2019). [DE #124]. In light of the Supreme Court's resolution of <u>United States v. Davis</u>, 139 S. Ct. 2319 (2019), the stay is hereby lifted.

Petitioner is directed to file a supplement, or other appropriate filing or motion, to the § 2255 motion to vacate within twenty-one (21) days of this order. The government shall then have twenty-one (21) days to file a response, if appropriate. In the event the parties agree petitioner is entitled to § 2255

relief, they may file a joint response within twenty-one (21) days of this order, addressing the appropriate remedy in this action.

This 20th day of August 2019.

Malcolm J. Howard

Senior United States District Judge

At Greenville, NC #35